

AMENDED IN SENATE APRIL 4, 2013

SENATE BILL

No. 438

Introduced by Senator Hancock
(Principal coauthor: Assembly Member Skinner)

February 21, 2013

An act ~~relating to employment~~; to add Section 7872 to the Labor Code, relating to refineries.

LEGISLATIVE COUNSEL'S DIGEST

SB 438, as amended, Hancock. ~~Occupational safety and health. Refineries: turnarounds.~~

Existing law, the California Refinery and Chemical Plant Worker Safety Act of 1990 (act), states that its purpose is to prevent or minimize the consequences of catastrophic releases of toxic, flammable, or explosive chemicals. Existing law provides for the adoption of specified process safety management standards for, among others, refineries that handle acutely hazardous material. Existing law declares the intent of the Legislature for, among others, the Division of Occupational Safety and Health, to promote worker safety through implementation of training and process safety management, as defined, in refineries and other facilities as deemed appropriate. A violation of the act is a crime.

This bill would require a refinery employer to, every September 15, submit to the division a full schedule of planned turnarounds, meaning any instance of an industrial plant or unit being partially or totally taken offstream or offline for the purposes of maintenance, overhaul, repair, inspection, testing, or replacement of materials or equipment, for the following calendar year, as specified. Upon the request of the division, the bill would also require a refinery employer to provide the

division with specified documentation relating to a planned turnaround within a certain period of time.

Because a violation of the bill's requirements would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law, the California Occupational Safety and Health Act of 1973, establishes enforcement procedures for the requirements related to safe and healthful working conditions for Californians. The Division of Occupational Safety and Health of the Department of Industrial Relations is charged with enforcing occupational health and safety laws, orders, and standards, including the investigation of alleged violations of those provisions. Existing law requires the Director of Industrial Relations to prepare and submit to the Legislature, not later than March 1, an annual report on the activities of the division, including, among other components, the total inspections made and citations issued; the number of civil penalties assessed, total amount of fines collected, and the number of appeals heard; and information contained in a specified report prepared by the Bureau of Investigations of the division.~~

~~This bill would state the intent of the Legislature to enact legislation that would recognize the importance of enforcement inspections under the act.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 7872 is added to the Labor Code, to read:
- 2 7872. (a) For the purposes of this section, "turnaround" means
- 3 any instance of an industrial plant or unit being partially or totally
- 4 taken offstream or offline for the purposes of maintenance,
- 5 overhaul, repair, inspection, testing, or replacement of materials
- 6 or equipment.
- 7 (b) Every September 15, a refinery employer shall submit to the
- 8 division a full schedule of planned turnarounds for the various
- 9 units for the following calendar year.

1 (c) At the request of the division, the refinery employer shall
2 submit the following documentation to the division at least 60 days
3 prior to a planned turnaround:

- 4 (1) Corrosion reports.
5 (2) Risk-based inspection reports.
6 (3) Boiler permit schedules.
7 (4) Management of change reports since the last turnaround.
8 (5) Unfulfilled work orders since the last turnaround.
9 (6) Temporary repairs since the last turnaround.
10 (7) Design changes or modifications to vessels and piping since
11 the last turnaround.
12 (8) Process changes since the last turnaround.

13 (d) At the request of the division, the refinery employer shall
14 submit the following documentation to the division at least 30 days
15 prior to a planned turnaround:

- 16 (1) Notification of any changes and supporting documents with
17 respect to the documents provided pursuant to subdivision (c).
18 (2) Written justification by the refinery employer for any of the
19 changes described in paragraph (1).

20 SEC. 2. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.

29 ~~SECTION 1. It is the intent of the Legislature to enact~~
30 ~~legislation that would recognize the importance of enforcement~~
31 ~~inspections under the California Occupational Safety and Health~~
32 ~~Act of 1973 (Part 1 (commencing with Section 6300) of Division~~
33 ~~5 of the Labor Code).~~